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# Vermont Fair Housing News

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& Fair Housing Project of CVOEO  
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## THE FAIR HOUSING PROJECT OF THE CHAMPLAIN VALLEY OFFICE OF ECONOMIC OPPORTUNITY

The Fair Housing Project (FHP) is Vermont's only organization dedicated to eradicating housing discrimination through outreach and education. Each year, FHP educates hundreds of Vermonters about their rights and responsibilities under the Fair Housing Act and other anti-discrimination laws. FHP's services include:

- A fair housing hotline for people who believe they have faced housing discrimination -- 802-864-0099
- Workshops for landlords and property managers
- Training for municipal officials about strategies to increase the availability of fair and affordable housing in their communities
- Providing fair housing information in over a dozen languages.

Since 1995, FHP has assisted thousands of individuals facing housing discrimination. We also actively seek opportunities to offer workshops and distribute educational materials. If FHP's services might benefit you or your organization, contact FHP at 864-3334 x202 or via e-mail to FHP Director Kevin Stapleton at [kstapleton@cvoeo.org](mailto:kstapleton@cvoeo.org).

The Fair Housing Project is made possible by funding from the U.S. Department of Housing and Urban Development (HUD). What follows are some articles about recent FHP projects.

### Burlington Completes Analysis of Impediments to Fair Housing

As an entitlement community receiving just shy of a million dollars under a HUD Community Development Block Grant, the city of Burlington is required to identify and create awareness of the circumstances that limit housing opportunities. The City of Burlington's Community & Economic Development Office in partnership with FHP recently published [Analysis of Impediments to Fair Housing Choice](#) which provides the result of its city-wide investigation. The report, written by Vermont Housing Finance Agency, identifies and documents five primary impediments to housing choice and recommends action items to address them. The report identifies, documents, and recommends:

**1. High prices for home rental and ownership** -- In Burlington, people in protected classes (e.g., families with children, people with disabilities, national origin, etc.) generally have higher rates of poverty and lower incomes than the rest of the population. These people are disproportionately affected by high housing costs. This is particularly true of families with children and recent refugees.



**2. Some housing professionals' policies and practices limit housing options for people in protected classes** -- Focus groups revealed evidence of steering people to or away from residential properties based on their protected categories. This included repeated steering of African Americans to Burlington's Old North End, steering families with children away from certain developments and several examples of landlords refusing to accept individuals with Section 8 vouchers.

**3. Discrimination against people in protected classes by real estate and other housing professionals may go undetected and unaddressed** -- As the population of people in protected classes continues to grow in Burlington, there is a greater need for fair housing enforcement. Testing is one way to detect housing discrimination. Currently, testing for violations is very limited.

**4. Burlington lacks enough housing units designed to accommodate people with disabilities, seniors and large families** -- The housing stock in Burlington is very old and access for people with disabilities is very limited. There is also a shortage of residences for people seeking assisted living. Statements from housing providers and focus group participants also identify an acute shortage of moderately-priced units for large families.

**5. Housing development and occupancy policies run the risk of limiting the number of affordable housing units most needed by protected classes** -- Portions of Burlington housing design review standards are vague. Those vague standards are sometimes used to block housing development, particularly affordable housing and multi-unit housing for the elderly.

The report also offers concrete action steps to address these impediments. If you are interested in viewing the full report it can be found on the city's website at <http://www.cedoburlington.org/housing/Fair%20Housing%20Report%20June%202010.pdf>

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### FHP's Craigslist Project

Under both state and federal fair housing laws, advertisements for housing must not directly or indirectly express a preference for or against people in protected categories. For example, fair housing law prohibits advertisements from making statements such as "no children allowed" or "looking for a good

Christian family." Both the person who submits such a discriminatory advertisement and the newspaper that prints the advertisement are liable for unlawful discrimination.

Craigslist.org is a website that allows people to post advertisements for housing. Unlike newspapers, Craigslist does not prescreen advertisements prior to publication. For that reason, enforcement actions cannot be brought against Craigslist. While Craigslist does have a policy requiring customers who post ads to adhere to the federal Fair Housing Act, many users post ads in ignorance of, or despite, the law. The CVOEO FHP sees this as an excellent opportunity for fair housing education. Since March 2010, FHP has been monitoring Vermont rental advertisements on Craigslist. When FHP staff finds a discriminatory housing ad, FHP sends the advertiser the following email:

*Dear Housing Advertiser:*

*The federal Fair Housing Act prohibits discrimination on the basis of race, color, national origin, sex, religion, disability, and familial status. The state of Vermont extends this prohibition on discrimination to include age, marital status, sexual orientation, gender identity, and receipt of public assistance. The CVOEO Fair Housing Project (FHP) works to educate the public about fair housing. As part of a new initiative, the FHP is reviewing housing advertisements placed on Craigslist and informing property owners when we find advertisements that may be discriminatory. Most times property owners do not intend to discriminate; they just lack knowledge about fair housing laws.*

*The most common discriminatory ad that we see is one that states the unit is for singles, a couple or a certain number of people. Any language that would prohibit or discourage families with children from replying to the ad or not allow them to rent the property could be illegal. If you have questions about why your ad may violate fair housing laws or want more information please feel free to call 802-864-3334 x202.*

*Thank you for your attention to this matter.*

*CVOEO Fair Housing Project*

FHP has sent over two hundred such emails since this project started. Nearly twenty percent of these emails were answered, and the response has been largely positive. Some advertisers simply re-

spond to say that they have edited their ads and removed the language in question. Others call to discuss nuances such as occupancy limits and property exemptions. Some have requested copies of the FHP's Landlord/Property Manager Handbook. The FHP hopes to continue this project next year.

\*See *Craigslist case in Around the Nation on page 8.*

### **Affirmatively Furthering Fair Housing Trainings**

Land use policies and municipal regulations can have significant impacts on access to fair and affordable housing choice. Good policies can serve to further access while overly-restrictive policies are sometimes found to run afoul of fair housing obligations. Since 2007, The CVOEO Fair Housing Project has organized three yearly trainings for regional planning commissions, municipal officials and town planners to address these issues. These statewide trainings offer an introduction to basic fair housing law followed by an in-depth discussion of the intersection of fair housing law and local & regional planning. Specifically, the trainings address strategies for affirmatively furthering fair housing, a requirement of any entity that receives Community Development Block Grant funds.

The three-hour trainings are hosted by regional planning commissions and include presentations by staff from the Human Rights Commission and the Department of Economic, Housing and Community Development. Trainings are free of charge. Upcoming training dates include:

- November 3<sup>rd</sup>, 2010 in Rutland. 10:00 a.m. to 1:00 p.m. Light lunch provided.
- February 3<sup>rd</sup>, 2011 in Burlington. 5:30 – 8:00 p.m. Light dinner provided.

Anyone interested in participating in a training should contact Dani Fuoco at the Fair Housing Project: [dfuoco@cvoeo.org](mailto:dfuoco@cvoeo.org) or (802) 864-3334 x109

### **ZONING LAWS AND REASONABLE ACCOMMODATIONS**

In an April 2009 decision, Vermont's Environmental Court held that the "reasonable accommodation" requirement of the federal Americans with Disabilities Act superseded the zoning laws of St. Johnsbury. The Court's opinion in *Union Bank v. Town of St. Johnsbury* is on the internet at <http://www.vermontjudiciary.org/GTC/Environmental/ENVCRT%20Opinions/Union%20Bank%20299-12-06%20Vtec.pdf> Should a case arise in which local zoning laws conflict with the federal Fair Housing Act, this Environmental Court case could form the basis of an argument that the Fair Housing Act trumps local law.

### **CONTACT US!**

The Vermont Fair Housing News is published electronically twice annually, in the spring and fall.

Please contact us if you would like to:

- Receive the Vermont Fair Housing News
- Submit ideas for articles
- Give us feedback
- Request a free fair housing speaker, training or workshop

You may contact us through:

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E-Mail: [ellen.maxon@state.vt.us](mailto:ellen.maxon@state.vt.us)

# **Around the Nation**

## **HUD CHARGES OHIO LANDLORDS WITH DISCRIMINATING AGAINST HISPANIC WOMAN**

The U.S. Department of Housing and Urban Development (HUD) announced on July 21, 2010 that it had charged two Ohio landlords with violating the federal Fair Housing Act by allegedly refusing to rent a house to a woman because she was Hispanic. HUD contends further that Kathy Parker, a licensed real estate agent, and Deryl Gibson, the African American owners of the house, asked the woman, "Why do you want to live in a black neighborhood?" and informed her that she might not feel comfortable there.

According to HUD's charge, the Hispanic woman and a fair housing tester each attempted to rent a three-bedroom house owned by Parker and Gibson. When Parker showed the Hispanic tester the home, Parker asked the woman why she wanted to live in a black neighborhood and remarked that it was not a good idea. After the woman expressed her interest in renting the house, Parker allegedly told her that she would have to consider it while she continued to show the house to other prospective renters.

During HUD's investigation, Parker allegedly told the investigator that she had "problems" renting to people other than African Americans when the dominant race of the community is black. The house was eventually rented to an African-American family.

## **LOUISIANA MAN PLEADS GUILTY TO HATE CRIME**

The U.S. Justice Department announced on June 24, 2010 that Robert Jackson of Downsville, Louisiana pleaded guilty in federal court to violating the federal Fair Housing Act by intimidating and interfering with another's housing rights because of race. Mr. Jackson had placed a hangman's noose in the carport of the home of a family in order "to send a message" to African American males who had been frequently visiting the victim's home. According to court testimony, the victim and her children arrived home on June 13, 2008, and found a hangman's noose suspended from a bird-feeder underneath the carport of her home.

"A noose is an unmistakable symbol of hate in our nation, and it was used in this case to intimidate an innocent family," said Thomas E. Perez, Assistant Attorney General of the Civil Rights Division. "The Department of Justice will vigorously prosecute those who resort to threats motivated by hate."

"A hangman's noose is a powerful symbol of racial intimidation and intolerance, and when used to interfere with federally protected rights, becomes a federal crime," said Stephanie A. Finley, U.S. Attorney for the Western District of Louisiana. "The victim and her family sought nothing more than to live in their home in peace. Jackson's racially motivated response has left him facing a prison sentence." Jackson faces a maximum penalty of 12 months in prison, a \$100,000 fine, or both.

## **FEDS FILE FAIR HOUSING LAWSUIT AGAINST WASHINGTON STATE APARTMENT COMPLEX**

In July, the U.S. Department of Justice filed a federal lawsuit against the owner, management company and former manager of Summerhill Place Apartments, a 268-unit apartment complex in Renton, Washington. The defendants allegedly violated the Fair Housing Act by discriminating on the basis of race, color, national origin and familial status in the rental of apartments.

The lawsuit alleges, among other things, that the defendants:

- Instructed staff not to show vacant apartments in a certain building to African Americans, people from India, and families with children.
- Failed to inform African Americans, Indians and families with children of available apartments in a certain building and available renovated apartments, while showing and informing white prospective tenants without children of such apartments.
- Discouraged Hispanic prospective tenants from renting apartments by asking them, but not other prospective tenants, whether they were legal residents of the United States, whether they had a social security number and, on at least one occasion, instructing a prospective tenant and a bilingual employee not to speak Spanish to each other.
- Discouraged African American prospective tenants from renting apartments by telling them, but not others, that there are strict rules on tenant conduct and suggesting they will be evicted if they violate them, that they should not even bother applying unless they have "pristine credit" or "squeaky clean" credit and, on one occasion, telling an African American prospective tenant to pull up his pants.
- Discouraged prospective tenants with children from renting by falsely telling them that their children would not be allowed to play anywhere on the complex.
- Discriminating against Indian tenants by not replacing their carpet or their broken appliances,

while providing such services to other similarly situated tenants, telling one or more Indian tenants that their children cannot play outside and that they should take them to a park to play, telling Indian tenants to "go back to India" if they cannot learn how to work their appliances and making other derogatory comments to such persons about their national origin.

Testing revealed evidence of discrimination on the basis of race, color, national origin and familial status including, but not limited to, quoting different rental rates to African American, Hispanic and Caucasian testers, discouraging African Americans, Hispanics and families with children from renting at Summerhill and making statements indicating discrimination against African Americans.

### **JUDGE ORDERS IOWA LANDLORD TO PAY \$52,150 TO RESOLVE RETALIATION CASE**

In July, a HUD Administrative Law Judge ordered an Iowa landlord to pay \$52,150 in damages and civil penalties for retaliating against a single mother of three. The landlord allegedly threatened to evict the tenant because she filed a housing discrimination complaint.

In November 2008, the mother of three filed a housing discrimination complaint against Cedar Rapids landlord Robert Miell alleging that he refused to rent her a three-bedroom apartment and unjustly charged her a higher security deposit because of her sex. HUD found no evidence of sex discrimination, but charged the landlord and management company in September 2009 with unlawfully retaliating against the tenant by terminating her lease and attempting to evict her because she filed the housing discrimination complaint. The Fair

### **THIS IS AN ELECTRONIC NEWSLETTER!**

Due to budgetary constraints (and sound ecological practices), the CVOEO Fair Housing Project and the Human Rights Commission publish this newsletter electronically and distribute it through email. Please help us by forwarding this copy to your friends and business associates. If you are not on our email list, contact [FHnews@cvoeo.org](mailto:FHnews@cvoeo.org) and you will be added. CVOEO & HRC does not distribute its email list and will use your email address only to send you fair housing newsletters. Thank you for your help!

Feel free to print and share with others. Very limited printed copies available upon request.

Housing Act makes it unlawful to retaliate against individuals because they exercised their fair housing rights.

"HUD will not tolerate retaliation against individuals who file discrimination complaints," stated John Trasviña, Assistant Secretary for Fair Housing and Equal Opportunity. "Discrimination victims are not alone when exerting their rights under the Fair Housing Act."

### **HUD CHARGES OHIO LANDLORD WITH DISCRIMINATING AGAINST FAMILIES WITH CHILDREN**

In August, HUD announced that it was charging the owner and the manager of Royal Arms Apartments in Ravenna, Ohio with housing discrimination. According to HUD's charge, a single mother of two young children responded to an advertisement for a two-bedroom apartment managed by Christine Testa and Testa Family Enterprises, LTD. After the mother informed Ms. Testa that she had two young children, Ms. Testa allegedly told the woman that she did not rent to "people with small children," and denied the mother the opportunity to view the unit. The mother subsequently contacted Fair Housing Advocates Association, an Akron-based non-profit fair housing organization, which conducted three telephone tests. During the telephone tests, Ms. Testa allegedly made statements indicating a preference against renting to families with young children and/or refused to rent to the tester based on the age of the children present in the household. HUD's investigation also revealed that the complex had an unwritten restriction limiting families with children to units on the ground level.

HUD's charge alleges that the manager violated the federal Fair Housing Act by limiting or refusing to rent to families with small children. "The days of routine 'No Children' rental policies are over," stated John Trasviña, HUD Assistant Secretary for Fair Housing and Equal Opportunity. "The Fair Housing Act prohibits them and HUD will enforce the law to protect the rights of families with children."

### **RENTAL BIAS COSTS LANDLORD \$1,000**

A South Buffalo, New York landlord will have to pay a \$1,000 settlement and engage in fair housing training as a result of an advertisement on Craigslist that described an apartment for rent in a "nice Irish neighborhood."

Because federal and state fair-housing laws prohibit the use of preferential or discriminatory language, a nonprofit fair housing organization began an investigation by dispatching testers to play the role of prospective renters. Property owner Abdul

## **RECENT VERMONT HRC FAIR HOUSING CASES**

- An elderly subsidized housing tenant who was returning from a stay at a rehab center made a request for a reasonable accommodation. She asked to move to a first floor apartment because she could no longer navigate stairs. The tenant alleged that the local housing authority unlawfully refused to grant her request. Consequently, the woman had to move to a different housing facility. The parties entered into a settlement agreement whereby the housing authority paid the tenant's moving expenses, wrote a letter of apology and the staff person involved in the incident attended fair housing training.
- A family of seven rented a large, expensive, private home from a couple that resides overseas. The charging party alleged that the property owners discriminated against them by charging rent above the advertised amount based on the large number of children in the family. Additionally, the family alleged that when the tenancy was over the owners applied a standard of "normal wear and tear" to the property that was based on a family of four. This resulted in the landlords keeping all of the family's security deposit. The parties entered into a settlement agreement in which the owners returned the full amount of the tenants' security deposit.
- A charging party who is an individual with emotional/psychological disabilities applied to refinance her home through a large on-line nationwide company. She and her husband were turned down because the wife could not provide documentation that her disability income would continue for three years. The charging party argued that her husband's income from a local hardware store did not require this level of verification and that it was discriminatory for the loan company to require a higher income verification standard for disability income. The mortgage company stated that it was following HUD's income verification guidelines for disability income, which requires proof that disability income, will continue for three years from the loan origination date. The loan company agreed to return the charging party's \$450 appraisal fee to settle this case. The issue of possible discriminatory income verification standards for disability income by HUD has been referred to HUD's general counsel for further evaluation.
- A charging party with disabilities who has a Section 8 voucher and resides in a privately owned rental unit, alleged that a housing authority refused to allow her to move into a project-based apartment unit it had promised her. She alleged that the housing authority's refusal was illegal because it was due to her disabilities. The housing authority stated that the refusal to rent to her was due to other factors, but offered to settle the charge by paying the charging party \$750. The charging party also alleged that another housing authority refused to help her find housing because she had disabilities. The second housing authority agreed to continue to work with the charging party if she acquired an advocate to help her work through the process. The charging party agreed to this condition.
- A man with a hearing disability alleged that a local assistive living complex refused to accept him because he is deaf. The assistive living complex agreed to reconsider his application once he submitted all of his medical records. It also agreed that if he met their medical criteria, it would place him on a waiting list for the first available ground floor living unit.

**The full text of HRC settlement agreements and reasonable grounds cases can be read at [hrc.vermont.gov](http://hrc.vermont.gov).**

# Where to Find Everything You Ever Wanted to Know About Fair Housing!

## ON-LINE RESOURCES FOR FAIR HOUSING

There are many online resources for information about fair housing issues. Here are some useful websites that will provide you with information and instruction.

**Vermont Human Rights Commission**  
[hrc.vermont.gov](http://hrc.vermont.gov)

**CVOEO Fair Housing Project**  
[www.cvoeo.org](http://www.cvoeo.org)  
Click on *HOUSING*, then *FAIR HOUSING PROJECT*

**National Fair Housing Advocate On-Line**  
[www.fairhousing.com](http://www.fairhousing.com)  
News, resources, cases, statutes and a lot more information about fair housing issues across the country.

**National Fair Housing Alliance**  
[www.nationalfairhousing.org](http://www.nationalfairhousing.org)  
An organization devoted to promoting fair housing laws nationwide.

**Fair Housing Law**  
[www.fairhousinglaw.org](http://www.fairhousinglaw.org)  
A site with information about fair housing laws and enforcement resources.

**National Association of Realtors Field Guide to Fair Housing**  
[www.realtor.org/libweb.nsf/pages/fg705](http://www.realtor.org/libweb.nsf/pages/fg705)  
A guide to fair housing specifically aimed toward realtors.

**Vermont Department of Housing & Community Affairs Fair Housing Page**  
[www.dhca.state.vt.us/Housing/fairhousing.htm](http://www.dhca.state.vt.us/Housing/fairhousing.htm)  
A discussion of fair housing as it applies to Vermont communities and municipalities.

**Department of Housing & Urban Development Office of Fair Housing & Equal Opportunity**

[www.hud.gov/offices/fheo/index.cfm](http://www.hud.gov/offices/fheo/index.cfm)  
Connects to HUD resources about enforcement of federal fair housing laws.

**Federal Fair Housing Act**  
[www.usdoj.gov/crt/housing/title8.htm](http://www.usdoj.gov/crt/housing/title8.htm)  
The text of the federal Fair Housing Act.

**Vermont Fair Housing & Public Accommodations Act**  
[www.leg.state.vt.us/statutes/sections.cfm?Title=09&Chapter=139](http://www.leg.state.vt.us/statutes/sections.cfm?Title=09&Chapter=139)  
The text of the Vermont Fair Housing & Public Accommodations Act.

**Findlaw**  
[www.findlaw.com](http://www.findlaw.com)  
Findlaw is a general resource and search engine for legal issues, including civil rights issues, federal and state statutes and court cases.

**Bazon Center for Mental Health Law**  
[www.bazon.org/issues/housing/index.htm](http://www.bazon.org/issues/housing/index.htm)  
Bazon has extensive resources and informational documents regarding aspects of mental health law, including extensive information about reasonable accommodations and service animals.

*There are many other webpages for nationwide, state and local fair housing organizations. Just type "fair housing" into any search engine to locate these other resources.*

Aljamali allegedly asked an African-American tester whether she had children, which violates both New York and federal fair housing law. The white tester was also asked about children and was additionally told that “there are no coloreds here . . . I hope your husband isn’t black.”

The nonprofit organization, Housing Opportunities Made Equal, filed a discrimination complaint with HUD which referred the case to New York’s Division of Human Rights for investigation and adjudication.

In a settlement agreement reached April 30, Mr. Aljamali agreed to a pay \$1,000 and undergo training in fair housing standards, record-keeping and reporting.

### REAL ESTATE AGENT FACES BIAS CHARGE

Federal authorities have charged an Amherst, New York real estate agent with discriminating against families with children, accusing the agent of refusing to rent an apartment to one family with children and refusing to even show another apartment to a different family with children.

HUD announced in May that it filed administrative charges against both real estate agent Judith Serio and her agency, RE/MAX North, for violating the federal Fair Housing Act. According to the HUD charge, a mother of five children, BillyJo Baity, contacted Ms. Serio in late December 2008 to view an available four-bedroom rental apartment that Serio had listed. Ms. Baity submitted an application a day later and followed up by phone. About a week later, Ms. Serio left Ms. Baity a voicemail message, saying she had rented the apartment to a young couple instead because the woman who owned the apartment “really is not in the shape to deal with . . . as many children as you have,” according to a transcript of the recording.

Ms. Baity contacted a local fair-housing organization, Housing Opportunities Made Equal (HOME), to report what had happened. HOME hired two testers to determine whether Serio was discriminating based on Baity’s family status. When one of the testers called Serio to inquire about renting an apartment with her husband and children, Serio replied that the apartment “was owned by an elderly woman who was not happy about having children live there.”

Ms. Serio denied the allegations, saying the matter is “still in negotiations” and is “certainly not what it looks like to anybody else.” According to a statement from Peter L. Contini, an attorney representing both Serio and RE/MAX North, it was the homeowner, not Serio, who made the decision not to rent the first apartment. Ms. Serio also denied making the statement attributed to her. “The agent fulfilled her duty to both the homeowner and the applicant by

## VERMONT HUMAN RIGHTS COMMISSION

The mission of the Vermont Human Rights Commission is to promote full civil and human rights in Vermont. The Commission protects people from unlawful discrimination in housing, state government employment and public accommodations. The Commission pursues its mission by:

- Enforcing laws
- Mediating disputes
- Educating the public
- Providing information and referrals
- Advancing effective public policies on human rights

letting the applicant know what the homeowner had decided,” Contini said.

“We intend to obtain a dismissal of these charges when our case is heard before a judge,” the attorney said.

### MASS. ATTORNEY GENERAL SUES REAL ESTATE COMPANY OVER ADVERTISING PREFERENCE AGAINST CHILDREN

In June, Massachusetts Attorney General Martha Coakley brought a lawsuit against a real estate company for allegedly using the Craigslist website to post discriminatory housing advertisements.

Eastern Property Management Group, Inc. is charged with posting four discriminatory rental advertisements on Craigslist in the first two months of 2010. The ads allegedly discriminated against families with young children and against recipients of public assistance. The ads, all based on the same Chelsea apartment, allegedly stated that “the apartment may have lead paint so if you have young children under 6 years old or are on Section 8 this will not work for you.” The complaint also alleges that an investigator posing as a father with a young child was turned away and told that he would need to sign a release form before he could rent the Chelsea property.

Under both federal and Massachusetts state law, a property owner cannot refuse to rent to a prospective tenant with young children over the possible presence of lead paint in the apartment. Vermont’s Human Rights Commission has interpreted Vermont’s fair housing laws to contain the same prohibition. (See the HRC report in the case of Clark v. Bi-

anchi on the internet at [http://hrc.vermont.gov/sites/hrc/files/pdfs/rq%20cases/Clark v Bianchi.pdf](http://hrc.vermont.gov/sites/hrc/files/pdfs/rq%20cases/Clark_v_Bianchi.pdf)) Massachusetts' fair housing laws, like Vermont's, expressly prohibit discrimination against an individual because she or he receives a Section 8 housing subsidy or other public assistance.

Attorney General Coakley's lawsuit seeks to stop Eastern Property from further engaging in housing discrimination and to require fair housing training for the company's employees.

### **HUD CHARGES OWNERS, MANAGERS OF WISCONSIN APARTMENT COMPLEX WITH DENYING ACCESSIBLE PARKING SPACE TO TENANT WITH A DISABILITY**

HUD announced in June that it was charging the owner of a Wisconsin apartment complex and its management company with discrimination for denying an accessible parking space to a tenant with a disability. In its charge, HUD alleges that WHPC-DWR, LLC and Cardinal Capital Management, Inc., violated the federal Fair Housing Act by denying the request of a tenant who uses braces on both legs. The federal Fair Housing Act requires landlords to make reasonable accommodations in their rules, policies, practices, and services when needed to provide persons with disabilities an equal opportunity to use or enjoy a dwelling.

According to HUD's charge, the tenant had an accessible parking placard when he moved into Village Square Apartments and he immediately began parking in the designated "handicap accessible" space closest to the entrance. Shortly thereafter, management informed him he could not park in that space because it served as a pick-up and drop-off area for tenants who do not drive. With HUD's en-

couragement, the tenant renewed his request but management replied, "That's how we do things."

Unable to use the designated accessible parking space, the tenant began parking in a space far from the entrance, causing him severe pain in trips to and from his car. In one instance, after parking and beginning to walk toward his unit, he slipped and fell on ice, causing an injury that required emergency medical attention. Not wanting to face another winter without accessible parking, the tenant moved.

### **HUD CHARGES NEW HAMPSHIRE LANDLORD WITH DISCRIMINATING AGAINST INTER-ETHNIC COUPLE**

HUD announced in June that it was charging a Monroe, New Hampshire landlord with violating the federal Fair Housing Act by harassing tenants who are an inter-ethnic couple. According to HUD's charge, landlord Lothar Riba told a female tenant that he didn't think it was appropriate for her to be married to a "Spanish guy." HUD alleges that Mr. Riba harassed and threatened the family by monitoring and photographing their activity, removing their apartment's window handles, and physically assaulting and injuring the wife. Riba allegedly told the wife that she should get her "monkey" family off of his property and that her Hispanic sister-in-law could not visit, remarking, "If one comes, they all start coming like a bunch of cockroaches."

"Ethnic harassment by landlords or housing providers is unacceptable and against the law," said John Trasviña, HUD Assistant Secretary for Fair Housing and Equal Opportunity. "HUD works vigorously to eradicate discrimination."

### **NEBRASKA ATTORNEY GENERAL CHARGES LANDLORD WITH NATIONAL ORIGIN DISCRIMINATION**

Nebraska Attorney General Jon Bruning filed a complaint against a landlord for allegedly discriminating against two Iraqi renters. According to the Attorney General's July filing, landlord Ryan Reinke allegedly failed to fix multiple problems in apartments of the Iraqi renters and later threatened a tenant who was cooperating in the state's investigation. Tenant Kheloud Naser alleges Reinke did not provide an air conditioning unit to him, even though it was agreed he would, and every other tenant in the building was given one. From August to November 2009, Reinke allegedly failed to repair broken window locks, piping and heating despite Mr. Naser's repeated requests.

In another complaint, Khiloud Bahri alleged his bathtub did not drain and the toilet did not work immediately after he moved in in August 2009. Mr. Reinke didn't repair either after several requests, ac-

## **VERMONT STATEWIDE HOUSING CONFERENCE NOVEMBER 18!**

The 2010 Vermont Statewide Housing Conference, a biennial gathering of housing professionals, will take place Thursday, November 18th at the Hilton on 60 Battery Street in Burlington. This event is the largest housing event in Vermont, bringing together a unique mix of housing financiers, advocates, developers, planners, tenants and more.

To register, go to <http://www.vhfa.org/conference/>. Registrations close November 5th.

cording to the complaint. Reinke also allegedly failed to replace an exterior door, causing the temperature in Mr. Bahri's apartment to significantly drop. Further, Reinke allegedly unnecessarily stained woodwork in an adjacent apartment with the intention of creating a strong odor in Bahri's apartment in an attempt to drive him out.

A tenant allegedly heard Reinke make several derogatory comments about Bahri and Naser and heard him say his motivation for refusing to make the requested repairs was because of the tenants' Iraqi heritage. Reinke allegedly attempted to threaten, intimidate and coerce the tenant/witness from participating in the investigation.

### **AGREEMENT REACHED IN OCCUPANCY STANDARD CASE**

When Donna Karyzik tried to rent a three-bedroom apartment from Cornerstone Residential Management, Inc. for her Florida family of four, she knew something was wrong when Cornerstone employees told her that her family was too large for the apartment. Ms. Karyzik asked for an explanation, and the Cornerstone employees stated that their policy required a separate bedroom for each occupant. Apparently unaware that federal law forbids this practice, Cornerstone managers actually provided Ms. Karyzik a written policy that spelled out the one-child-per-bedroom policy.

With the help of HOPE, Inc., a Miami non-profit housing organization, Ms. Karyzik and three other plaintiffs filed a housing discrimination lawsuit against Cornerstone in 2005. Five years later, in June 2010, the case was settled out of court. According to the agreement, Cornerstone denied violating the federal and Florida Fair Housing Acts, and denied engaging in any wrongful conduct. The company did agree, however, to implement a two-person-per-bedroom policy, as well as having its staff participate in fair housing training for the next three years. Specific relief afforded the plaintiffs is confidential.

### **ARIZONA CITY SETTLES HOUSING SUBSIDY DISPUTE**

A single mother's allegations that Chandler, Arizona wrongfully revoked her housing subsidy when she was a victim of domestic violence have been dropped under a July legal settlement that requires the city to restore the woman's rent voucher.

Last year, Chandler housing officials terminated a federally-funded rent subsidy for Andreanna Brim, a single mother of three, after she allegedly violated program rules by allowing her boyfriend to live in the home. Stan Silas, a Legal Services attorney who

represented Brim, said his client was a victim of domestic violence, the boyfriend was the alleged perpetrator, and he was not living in Ms. Brim's home. Silas said the city terminated Brim's housing subsidy when she asked that it be transferred to Los Angeles so she could escape the violence. The termination goes against provisions in the federal Violence Against Women Act of 2005 that protects tenants who are victims of domestic violence. Under the settlement, Chandler must restore and fund Brim's housing voucher even though she now lives in Los Angeles. Other provisions of the settlement include monitoring Chandler's housing practices by HUD and mandatory fair housing training for municipal housing employees.

### **HIV-POSITIVE MINISTER SETTLES LAWSUIT AGAINST RETIREMENT HOME**

The Reverend Dr. Robert Franke wanted to be closer to his daughter in Little Rock, Arkansas, so he applied to live at Fox Ridge, an assisted-living facility. He moved in after fulfilling residency requirements. However, when Fox Ridge discovered that Dr. Franke was HIV-positive, he was abruptly ejected from his home. With the help of Lambda Legal, Dr. Franke and his daughter filed a lawsuit against the facility in federal court alleging violations of the federal Fair Housing Act, the Americans With Disabilities Act, and Arkansas state laws.

After reaching the settlement in August, Dr. Franke stated, "While we can't discuss the specific terms of the settlement, I can say we're quite pleased to have settled this matter. We firmly believe that as a result of our having brought this lawsuit, retired people in Arkansas who have HIV are less likely to face this kind of discrimination in the future."

Scott Schoettes, HIV Project staff attorney for Lambda Legal, echoed those sentiments: "Dr. Franke's case has already had an impact on the training of those responsible for enforcing Arkansas's fair housing laws, so awareness will continue to grow that people with HIV who need to move into assisted living should be treated the same as everyone else. The fact is, Dr. Franke never posed a health risk to anyone at Fox Ridge. The days are long over when a person could hide behind ignorance about HIV as an excuse to throw someone out on the street."

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